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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/053,179

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Kenneth L. Stanwood

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27189

7590

12/12/2005

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EXAMINER

FOX, JAMAL A

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/053,179

Applicant(s)

STANWOOD ET AL

Examiner

Jamal A. Fox

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 and 22-45 is/are allowed.
- 6) ☒ Claim(s) 20, 21, and 46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/16/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Burwell et al. (U.S. Patent No. 5,818,842).

Referring to claim 20, Burwell et al. discloses a method of transferring source data units (SDU, col. 16 lines 31-38) and a user utilizing an intermediate communications link, the method comprising transmitting the source data units (SDU, col. 16 lines 31-38) via the intermediate communications link as protocol data units (ATM cell format, col. 16 lines 31-38), and converting (converts, col. 16 lines 31-38) the source data units (SDU, col. 16 lines 31-38) to protocol data units (ATM cell format, col. 16 lines 31-38) prior to transmission (transmission, col. 16 lines 31-38) by packing and fragmenting (fragmentation, col. 8 lines 60-65) the source data units (SDU, col. 16 lines 31-38) in a coordinated manner.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

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by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Pezeshki-Esfahani (U.S. Patent No. 6,711,176).

Referring to claim 20, Pezeshki-Esfahani discloses a method of transferring source data units (frame-based ATM traffic, col. 2 lines 1-9) and a user utilizing an intermediate communications link, the method comprising transmitting the source data units (frame-based ATM traffic, col. 2 lines 1-9) via the intermediate communications link as protocol data units (cell based ATM traffic, col. 2 lines 1-9), and converting (converting, col. 2 lines 1-9) the source data units (frame-based ATM traffic, col. 2 lines 1-9) to protocol data units (cell based ATM traffic, col. 2 lines 1-9), prior to transmission by packing and fragmenting the source data units (frame-based ATM traffic, col. 2 lines 1-9) in a coordinated manner.

5. Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Bradshaw et al. (U.S. Patent No. 6,665,292).

Referring to claim 21, Bradshaw et al. discloses a method of improving the performance of packing and fragmentation in a packeted information communications

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system in which packets in a first format are converted (formats, col. 8 lines 32-35) to a third format for transmission over an intermediate wireless communications link (satellite communication link, col. 8 lines 32-39) and are then reconverted (converted back, col. 8 lines 35-40) into the first format (Internet data format, col. 8 lines 35-40), the method comprising:

packing the packeted information in a manner responsive to the fragmentation (fragmentation, col. 7 lines 49-55) function; and

fragmenting (fragments, col. 7 lines 49-55) the packeted information in a manner responsive to the packing function.

6. Claim 46 is rejected under 35 U.S.C. 102(e) as being anticipated by Breslow et al. (U.S. Patent No. 6,493,342).

Referring to claim 46, Breslow et al. discloses a method of transmitting a message across an information link that utilizes fragmentation and packing (packing, col. 26 lines 16-41) of packets, the method comprising:

packing (packed, col. 26 lines 19-21) a first fragment of the message at the end (end portion, col. 26 lines 17-41) of a payload (payload, col. 26 lines 17-41) area of a first packet that contains one or more other messages;

filling the payload (filling the payload, col. 26 lines 30-40) of at least one subsequent packet with a continuing fragment of the message; and

packing (packed, col. 26 lines 20-25) the last fragment of the message in the front (beginning portion, col. 26 lines 17-41) of the payload (payload, col. 26 lines 17-41)

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of a last packet with one or more other messages, wherein the fragmentation and packing are performed in a coordinated manner.

***Allowable Subject Matter***

7. Claims 1-19 and 22-45 are allowed.

***Conclusion***

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamal A. Fox whose telephone number is (571) 272-3143. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2600 Customer Service whose telephone number is (571) 272-2600.



Jamal A. Fox.

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A handwritten signature in black ink, appearing to read 'W. Chin', with a long horizontal flourish extending to the right.

**WELLINGTON CHIN**  
**ASSISTANT PATENT EXAMINER**